



Deval L. Patrick  
Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

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Andrea J. Cabral  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### **Board of Elevator Regulations – Hearing Minutes – October 22, 2013**

This meeting was held in accordance with G. L. c. 30A, §§18-25, the Open Meeting Law

#### **Present:**

Walter Zalenski, Chair  
Cheri Davis, Member

David Gaudet, Member  
Michael Nicoloro, Member

Kevin McGettigan, Member  
Susan Genduso, DPS

#### **Absent:**

Harold McGonagle, Member

Thomas Riley, Member

John O'Donoghue, Member

Meeting is called to order by Walter Zalenski and board members are introduced— a quorum is present

#### **Minutes:**

- Review of Minutes of October 1, 2013  
Minutes will be amended to reflect the vote of Chair, and will be voted on at the next meeting
- Review of Minutes of October 2, 2013 Public Hearing – no discussion  
A motion is put forth by David Gaudet to accept the minutes as read  
Moted by: David Gaudet  
Seconded by: Kevin McGettigan  
Vote: 5-0 minutes accepted

#### **Petitions Heard:**

##### **I. 367 Beacon Street, Boston – A17.1 - 2004, 5.3.1.10.3**

**Owner: Mr. Rizwan & Mrs. Julianna Jamal, 367 Beacon Street, Boston, MA 02116**

**Petitioner: Greg Pomeroy, Pomeroy & Co, Inc.**

Petitioner is seeking a variance from A17.1- 2004, 5.3.1.10.3 to install a residential elevator with a travel distance of 53'-0" (six stops). A motion is put forth by David Gaudet to grant the variance with the \*provision that the petitioner submit documentation from the manufacturer of the elevator stating that the unit is designed to travel 53' safely.

Moted by: David Gaudet

Seconded by: Cheri Davis

Vote: 4-1 variance granted with\* provision

Opposed by: Kevin McGettigan

- II. 85 Brookline Street, Boston, #990, 991, 992 and 993 – A17.1 - 2004, 2.5.1.5**  
**Owner: Mass Bay Transportation Authority, 500 Arborway, Jamaica Plain, MA 02130**  
**Petitioner: Thomas Rovero, MBTA**  
Petitioner is seeking a variance from A17.1 - 2004, 2.5.1.5 to install four elevators at MBTA station with a safety glass curtain wall in place of steel fascia to allow for transparency of the elevator and head house. A motion is put forth by Kevin McGettigan to grant the variance as requested.  
Motioned by: Kevin McGettigan  
Seconded by: Michael Nicoloro  
Vote: 5-0 variance granted
- III. 950 Winter Street, Waltham, 308-P-356 – A17 - 2004, 3.4.4 and 2.10.2**  
**Owner: Boston Properties, 950 Winter Street, Waltham, MA 02415**  
**Petitioner: Lawrence Barker, Otis Elevator**  
Petitioner is seeking relief from DPS Inspectors Report #1333951, (Items #2 and #3) A17.1 - 2004, 3.4.4 car top clearance and A17.1- 2004, 2.10.2 car top safety railing due to limitations of existing building conditions. A motion is put forth by Kevin McGettigan to grant the variance with the \*provision that the owner must install signage for low overhead and low railing.  
Motioned by: Kevin McGettigan  
Seconded by: Cheri Davis  
Vote: 5-0 variance granted \*with provision
- IV. 1605 Massachusetts Avenue, Lexington, ANSI - 1996, Part XX 2000.7 and 2000.1(a).1**  
**Owner: Town of Lexington, 201 Bedford Street, Lexington, MA 02420**  
**Petitioner: Donald W. Mills, Mills Whitaker Architects LLC**  
Petitioner is seeking a variance from ANSI - 1996, Part XX 2000.7 and 2000.1(a).1 to allow the installation of a four (4) stop vertical wheelchair lift with a travel distance of 14'-0", with a full-height cab (84") with a non-structural ceiling. The Architectural Access Board has approved the installation of the lift. A petition is put forth by Cheri Davis to grant the variance as requested.  
Motioned by: Cheri Davis  
Seconded by: Michael Nicoloro  
Vote: 4-1 variance granted  
Opposed by: Kevin McGettigan
- V. 173 Alford Street, Charlestown, 1-H-13878 – A17.1 - 2004, 2.27.3**  
**Owner: Exelon Mystic Station, 173 Alford Street, Charlestown, MA 02129**  
**Petitioner: Ed Loder**  
Petitioner is seeking a variance from A17.1- 2004, 2.27.3 to allow this outdoor elevator to have no fire service, the elevator is located in a power plant and is not accessible to the general public. A motion is put forth by Kevin McGettigan to place the petition on hold for a maximum of 90 days for the petitioner to provide a plan to DPS to rectify the Phase I Fire Service.  
Motioned by: Kevin McGettigan  
Seconded by: Michael Nicoloro  
Vote: 5-0 to place "on hold"

**VI. 1 Rabbit Hill Rd, Westborough, DFW F. HQ – CMR 524 - 2012, 13.00, Sect. 35.00, 2.7.2.2 and A17.1, 2.20.4**

**Owner: Commonwealth of Mass DCAM, Stephen O'Connor 1 Ashburton Place, Boston, 02108**

**Petitioner: Phil Losito, Bay State Elevator Company**

Petitioner is seeking a variance from CMR 524 - 2012, 13.00, Section 35.00, 2.7.2.2 and A17.1 2004, 2.20.4 to install ThyssenKrupp Model 85S, Machine-room-less elevator, location and clearances around the machine at the top of the hoistway and 8MM 8x19 ropes. A motion is put forth by Michael Nicoloro to grant the variance as requested.

Motioned by: Kevin McGettigan

Seconded by: Michael Nicoloro

Vote: 4-0 to grant variance

Abstained: Cheri Davis

**Exhibit List:**

Exhibit 1: Variance petition packet for – 367 Beacon Street, Boston

Exhibit 2: Variance petition packet for – 85 Brookline Street, Boston

Exhibit 3: Variance petition packet for – 950 Winter Street, Waltham

Exhibit 4: Variance petition packet for – 1605 Massachusetts Avenue, Lexington

Exhibit 5: Variance petition packet for – 1 Rabbit Hill Road, Westborough

A motion was put forth by Kevin McGettigan to adjourn at 3pm, seconded by David Gaudet, all in favor.

Prepared by: Susan Genduso

October 24, 2013